## STATE OF KANSAS

## **BILL GRAVES, GOVERNOR**

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## KANSAS DEPARTMENT OF AGRICULTURE

December 19, 2002

The Honorable Christie Whitman, Administrator U. S. Environmental Protection Agency 1101 A USEPA Headquarters Ariel Rios Building 1200 Pennsylvania Avenue, NW Washington, DC 20460

## Dear Administrator Whitman:

Recently, some of my staff and I participated in a conference call originated by the Office of Pesticide Programs, where we discussed the pending registration eligibility decision and potential risk reduction measures for the herbicide Atrazine. I appreciated the opportunity to participate in the discussion and wanted to follow-up in writing with some of our thoughts.

Since 1990, the Kansas Department of Agriculture, various Kansas agricultural organizations and the state's producers have made water quality protection measures a high priority. Originally, we focused on reducing the level of atrazine and other soil-applied herbicides occurring in state surface waters. Our efforts were successful, so we are expanding our focus to address bacteria, nutrient enrichment and other water quality concerns. We are also helping implement TMDL measures in watersheds identified as being water quality impaired. The agricultural industry has become a full partner and is now working with the state of Nebraska and Nebraska producers in programs to improve water quality in the Big Blue River, a river system shared by both states.

The Kansas Pesticide Law authorizes the secretary of agriculture to initiate pesticide management areas (PMAs). This allows the secretary to define individual watersheds, or other geographic areas, and to mandate specific management practices or pesticide use restrictions. One such PMA was initiated in 1992 to reduce herbicide levels and to protect public water supplies in the Delaware River basin of northeast Kansas. Although highly successful, the agency learned that targeting producer education, demonstration and incentive programs are the most direct route to achieving desired changes in practices to improve water quality. Therefore, we and our partners now focus on those public water supplies and watersheds targeted by the Kansas Department of Health and Environment and initiate voluntary best management practices and prevention programs.

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In Kansas, instances of atrazine exceedances in public water supplies are rare. Consequently, most Kansas programs are directed toward preventing contaminant levels from reaching state standards. Also, atrazine herbicide is an important tool for Kansas corn and grain sorghum producers. It is cost-effective and it is an important tool in conservation tillage programs. Since conservation tillage can enhance water quality, we do not want to discourage its use. I prefer to hold the secretary's PMA authorities in reserve until we encounter an instance where voluntary programs are not adopted.

Atrazine is a necessary tool for most grain sorghum producers since few options are available. Grain sorghum may be considered a minor crop nationwide, but its production is extremely important to Kansas. In our state atrazine application timing and use rates vary according to tillage system, soil pH and regional climatic patterns. That is why it is essential that EPA, in its deliberations and final decision concerning atrazine risk reduction, leave states sufficient flexibility to deal with area and regional weed control, pesticide runoff and water quality protection issues. Neither standardized pesticide rate reductions nor nationwide blanket BMP measures will correct problems that essentially are a consequence of topography, soils, rainfall patterns or other unique characteristics of specific problem watersheds.

Discussion during the OPP atrazine conference call revealed that EPA was attempting to address the needs of 30 public water supplies that were showing atrazine exceedances, and that it was concerned about another 50 supplies that might be exceeding standards. Considering there are thousands of watersheds in this country, we suggest that these few would best be addressed by aggressively implementing targeted voluntary or mandatory watershed prevention programs similar to the Kansas PMA. Our previous experience also leads us to believe that more intensive testing of the 50 questionable supplies will show that few are in fact averaging above the drinking water standard.

Again, thank you for the opportunity for discussion and comment. If you have questions, or need more information, please call me at (785) 296-3902.

Sincerely,

/Jamie Clover Adams

Jamie Clover adams

Kansas Secretary of Agriculture